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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,862	02/20/2004	Kazuhiro Fujimaki	Q80021	4469

7590 09/30/2005

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EXAMINER

LEE, SIN J

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/781,862

Applicant(s)

FUJIMAKI, KAZUHIRO

Examiner

Sin J. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-17 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-19-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the amendment of July 18, 2005 and in view of applicant's argument, previous 102(b) rejection on claims 1, 2, 4, 5, 7 and 11-15 and previous 103(a) rejection on claims 8-10 over Shimada et al'489 are hereby withdrawn.
2. Due to newly cited prior arts, the following rejections are made non-final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

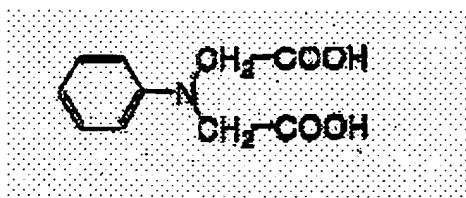
A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Goto et al (EP 1 369 232 A1).

In [0136] and [0139], Goto teaches a photosensitive layer coating composition containing an infrared absorbing gent, a radical generator, a radical polymerizable compound, and a radical polymerization initiation aid, which structure is shown below;

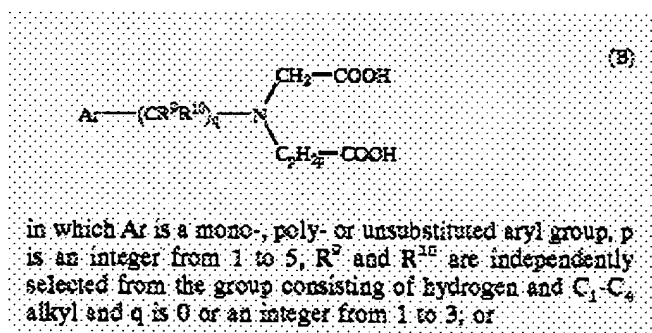


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This compound is also shown in present specification, pg.17 (see (41)) as one of preferred examples for the present compound (A). Goto coats this composition onto an aluminum plate. Therefore, the prior art teaches present inventions of claims 1-5 and 7-17 (present R^3 of $-N(R^3)-$ would be the present formula (i) of claim 12): present claim language of claim 13 does not require present R^1 and R^2 of claim 7 to be a monovalent substituent. It only requires that if present R^1 and R^2 of claim 7 are monovalent substituent, then the R^1 and R^2 groups have to be chosen from those listed in present claim 13.

5. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Timpe et al (US 2002/0197564 A1).

In claims 1 and 4, Timpe teaches an infrared sensitive composition comprising an infrared absorbing compound, a free radical-producing compound, a free radical polymerizable monomers, and a carboxylic acid compound of the following formula (B);



One skilled in the art would immediately envisage q to be 0 and p to be 1 in the above formula (which would make the compound of formula (B) shown above to be the same compound as the compound (41) of pg.17 of present specification). Timpe also teaches a printing plate precursor comprising a substrate and a layer of his infrared sensitive

composition on the substrate (see claim 10). Therefore, Timpe teaches present inventions of claims 1-5 and 7-17.

6. Claims 1-5 and 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hauck et al (US 6,309,792 B1).

In Example 1, Hauck teaches a coating solution containing dipentaerythritol pentaacrylate (present compound (C)), an IR dye, 2-(4-methoxyphenyl)-4,6-bis-(trichloromethyl)-s-triazine (present compound (B)), and aniline diacetic acid (the compound (41) of pg.17 of present specification). Hauck applies this coating solution onto an aluminum substrate. Therefore, the prior art teaches present inventions of claims 1-5 and 7-17.

Allowable Subject Matter

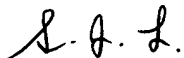
7. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the cited prior arts teaches or suggests present compound of claim 6.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

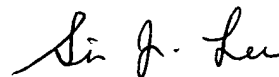
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Lee
September 28, 2005



SIN LEE
PRIMARY EXAMINER